

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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|---------------------------|---|-------------|
| VICTOR WILLIAM HARGRAVE, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | 1:12CV989 |
| |) | 4:95CR186-1 |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

ORDER

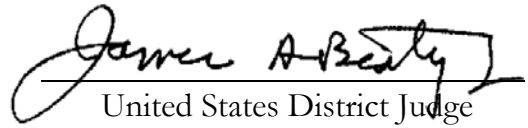
On May 28, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections [Doc. #184] to the Recommendation within the time limit prescribed by Section 636. Petitioner subsequently submitted additional evidence [Doc. #185]. The Court has reviewed Petitioner's additional evidence and his objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation [Doc. #181], which is affirmed and adopted.

IT IS THEREFORE ORDERED that, to the extent Petitioner seeks to proceed under 28 U.S.C. § 1651, Petitioner's Motion is DENIED.

IT IS FURTHER ORDERED that, to the extent Petitioner's Motion could be construed as a Motion under 28 U.S.C. § 2255, the Motion is dismissed *sua sponte* without prejudice to Petitioner filing a Motion for Authorization in the Court of Appeals as required by 28 U.S.C. § 2244 and Fourth Circuit Local Rule 22(d) and that, finding no substantial issue for appeal

concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This, the 19th day of August, 2013.


United States District Judge